

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
1:25-CV-00391-CCE-LPA**

JOSHUA STOW, SHARONE BUNN,
AND TIARA LOFTON, individually and
behalf of all others similarly situated,

Plaintiffs,

v.

ACTIVEHOURS, INC. d/b/a EARNIN,

Defendant.

ORAL ARGUMENT REQUESTED

DEFENDANT’S MOTION TO COMPEL ARBITRATION

Pursuant to the Federal Arbitration Act, 9 U.S.C. § 1, *et seq.*, and Rule 12(b)(3) of the Federal Rules of Civil Procedure, Defendant ActiveHours, Inc. d/b/a EarnIn (“EarnIn”), through its undersigned counsel, moves to compel all Plaintiffs to arbitration and to stay this action pending such arbitration. In support of its motion, EarnIn contemporaneously submits the Declarations of Nakia Blackwell, Julien Altieri, and Steven Flick, and their accompanying exhibits, and a supporting memorandum.

This the 17th day of July, 2025.

/s/ Stephen V. Carey

Stephen V. Carey (NC Bar No. 52791)

Cristina C. Stam (NC Bar No. 51009)

Aislinn R. Klos (NC Bar No. 58309)

PARKER POE ADAMS & BERNSTEIN LLP

301 Fayetteville Street, Suite 1400

Raleigh, N.C. 27601

Tel.: (919) 828-0564 | Fax: (919) 864-4564

stevecarey@parkerpoe.com

cristinastam@parkerpoe.com

aislinnklos@parkerpoe.com

Michael N. Sheetz (Special Appearance)
Allison C. Sherwood (Special Appearance)
Massachusetts Bar No. 716201
COOLEY LLP
500 Boylston Street, 14th Floor
Boston, MA 02116-3736
(617) 937-2300 | Fax: (617) 937-2400
msheetz@cooley.com
asherwood@cooley.com

*Attorneys for Defendant ACTIVEHOURS, INC.,
d/b/a EARNIN*

CERTIFICATION OF COMPLIANCE

Pursuant to the Court's order of June 16, 2025, the undersigned certifies that defense counsel met-and-conferred with plaintiffs' counsel about the basis of any such anticipated motion and plaintiffs' counsel took no position as to whether disputed issues can be resolved or narrowed by an amended complaint.

This the 17th day of July, 2025.

/s/ Stephen V. Carey
Stephen V. Carey

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was electronically filed with the Clerk of the Court by using the CM/ECF System which will automatically send notice to all counsel of record

This the 17th day of July, 2025.

/s/ Stephen V. Carey
Stephen V. Carey